

Panaji, 15th April, 1993 (Chaitra 25, 1915)

SERIES I No. 3

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There are two Extraordinary issues to the Official Gazette, Series I No. 2 dated 8-4-93 as follows: 1) Extraordinary dated 12-4-93 from pages 45 to 46 2) Extraordinary No. 2 dated 13-4-93 from pages 47 to 52 regarding Notifications from Law (Establishment) Dept. and Transport Department.

GOVERNMENT OF GOA

Civil Supplies Department

Directorate of Civil Supplies and Price Control

Order

DCS/S-1/C.C/93/1275

In exercise of the powers conferred on me under clause 15 read with Clause 2 (g) of Goa, Daman and Diu (Regulation of Distribution) Order, 1966, Director of Civil Supplies and Price Control, Panaji hereby directs all the fair price shops run by Societies/Authorised retail dealers shall adhere to the instruction appended below:

1. They shall observe official timings strictly (9 a.m. to 1 p.m., 3 p.m. to 7 p.m.) while running the retail outlets excluding weekly holidays in a week.
2. The outlets shall not remain closed on working days due to the absence of the licensee where controlled commodities are sold under the Control of Government. In case the licensee has to proceed on leave, he should intimate the Mamlatdar of Taluka jurisdiction in advance. The Mamlatdar is competent to grant leave upto 3 days. In case, if the licensee wanting leave beyond 3 days, the Mamlatdar shall make alternative arrangement for distribution of Controlled Commodities. A suitable notice for card holders should be displayed on the PDS outlet.
3. The licensee shall ensure that ration card register is complete upto date and tallies with the Master Register Maintained in Mamlatdar's Office/Talathis Office.
4. The Complaint book shall be kept in each F.P. Shop clearly visible and within reach of the Consumer. The books viz. ration card register, stock register, daily sales register, visit book and complaint book should be page numbered and opened after obtaining the initials of the area Inspector. It will be checked by the Director of Civil Supplies/Dy. Director of Civil Supplies/Mamlatdar of the Taluka on his visits. The complaints should be promptly attended to.

5. The licensee shall display a stock board with all columns complete. Information regarding availability of specified articles shall be up dated daily.

6. The licensee shall not change or alter the premises without prior approval of Director of Civil Supplies and Price Control, Panaji. If he commits an irregularity in this regard, the authorization issued to fair price shop is liable to be cancelled.

7. The licensee shall maintain upto date accounts, cash memos issued should bear the name of consumer as well as card number, number of persons, name of wado etc. Items not taken by the consumers should not be recorded in the ration card.

8. Every licensee shall take adequate measures to ensure that controlled commodities stored by him are maintained in proper condition and that the damages of Controlled Commodities due to ground moisture, rain, insects, rodents, bird, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and Controlled Commodities, shall be fumigated, with chemicals approved for the purpose by persons who have undergone practical training in that regard. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate Controlled Commodities are not stored along with Controlled Commodities in the same godown or immediate juxta position of Controlled Commodities.

K. U. Naik, Director of Civil Supplies and Price Control.

Panaji, 5th February, 1993.

Law (Legal and Legislative Affairs) Department

Notification

10-2-92/LA

The Indian Red Cross Society (Amendment) Act, 1992 (Central Act 14 of 1992) which has been passed by Parliament and assented to by the President of India on 4.4.1992 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 4.4.1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 6th August, 1992.

The Indian Red Cross Society (Amendment) Act, 1992

AN

ACT

further to amend the Indian Red Cross Society Act, 1920.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Indian Red Cross Society (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 23rd day of January, 1992.

2. *Insertion of new sections 4A to 4E.*— After section 4 of the Indian Red Cross Society Act, 1920 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

“4A. *President of the Society.*—The President of India shall be the President of the Society (hereinafter referred to as the President).

4B. *Composition of Managing Body.*— (1) Notwithstanding anything contained in section 3, the Managing Body shall consist of the following members, namely:—

(a) a Chairman to be nominated by the President for such term as he may deem fit;

(b) six members to be nominated by the President for such term as he may deem fit;

(c) twelve members to be elected by the State Branch Committees for a term of two years in accordance with the rules made by the Managing Body under section 5:

Provided that not more than one member shall be elected by any State Branch Committee:

Provided further that no member, elected under this section, shall hold office continuously for more than two terms.

(2) The Managing Body existing immediately before the commencement of the Indian Red Cross Society (Amendment) Act, 1992 shall cease to exist and the Chairman and all the members of the said Body shall be deemed to have vacated their offices on such commencement and the Managing Body shall be reconstituted within a period of six months from such commencement in accordance with the provisions of sub-section (1) and until it is so reconstituted, the President may authorise any person or body of persons to exercise and discharge all the powers, functions and duties which may, under the provisions of this Act or the rules made thereunder, be exercised or discharged by or on behalf of the Managing Body.

4C. *Secretary-General and Treasurer of the Society.*— (1) The Managing Body shall, with the previous approval of the President, appoint a Secretary-General and a Treasurer of the Society.

(2) The term of office and the conditions of service of the Secretary-General and the Treasurer shall be such as the Managing Body may determine by rules made under section 5:

Provided that the term of office and conditions of service of the Secretary-General and the Treasurer may be varied in like manner by the Managing Body.

(3) Notwithstanding anything contained in any contract or agreement and notwithstanding any judgment, decree or order of any court, tribunal or authority or anything contained in any other provision of this Act or the rules made thereunder, the term of office and conditions of service of any person appointed as the Secretary-General of the Society at any time before the commencement of the Indian Red Cross Society (Amendment) Act, 1992 may be varied by the Managing Body with the previous approval of the President.

4D. *Powers and functions of the Chairman and Vice-Chairman.*— (1) The powers and functions of the Chairman shall be—

(a) to preside over the meetings of the Managing Body and all other Committees set up by the Managing Body of which he is the Chairman;

(b) to re-appropriate, on the advice of the Treasurer of the Society, budgetary allocation from one major head of account to another major head of account;

(c) to authorise, on the advice of the Treasurer of the Society, expenditure on items not contemplated in the annual Budget of the Society, subject to the availability of funds;

(d) to institute, if necessary, disciplinary proceedings against officers of and above the rank of Deputy Secretary of the Society:

Provided that the final decision on the basis of the disciplinary proceedings so instituted shall be taken,—

(i) in case of the Secretary-General of the Society, with the previous approval of the President;

(ii) in other cases, with the previous approval of the Managing Body.

(2) The powers and functions of the Vice-Chairman shall be,—

(a) to exercise the powers and perform the functions conferred on the Chairman under sub-section (1) or delegated to him under sub-section (3), in the absence of the Chairman or leave or on tour abroad or for any other similar reasons;

(b) to act as *ex-officio* member in all the Committees or Sub-Committees appointed by the Managing Body.

(3) The Chairman and the Vice-Chairman shall, in addition to the powers exercisable by them under sub-sections (1) and (2), exercise such other financial and administrative powers as may be delegated to them by the Managing Body in accordance with rules made by it under section 5:

4E. Powers of the President to supersede the Managing Body. — (1) If, at any time, the President is of opinion —

(a) that there has been gross failure in the management of the affairs of the Society by the Managing Body; or

(b) that the Managing Body is acting in a manner which is prejudicial to carrying out the objectives of the Society,

the President may, by order in writing, supersede the Managing Body for such period, not exceeding six months, as may be specified in order:

Provided that before issuing an order under this sub-section, the President shall give a reasonable opportunity to the Managing Body to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Managing Body.

(2) Upon the issue of an order under sub-section (1) superseding the Managing Body, —

(a) all the members of the Managing Body shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, under the provisions of this Act or the rules made thereunder, be exercised or discharged by or on behalf of the Managing Body shall, until the Managing Body is reconstituted, be exercised and discharged by such person or body of persons as the President may appoint in this behalf.

(3) On the expiration of the period of supersession specified in the order issued under sub-section (1), the President may extend the period of supersession for a further period not exceeding six months as may be recommended by the person or body of persons appointed under clause (b) of sub-section (2):

Provided that the President may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or extended under this sub-section, take such steps as are necessary to reconstitute the Managing Body in accordance with the provisions of section 4B."

3. Amendment of section 5. — Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and —

(a) in sub-section (1) as so re-numbered, —

(i) in the opening portion, for the words "subject to the condition of previous publication", the words "with the previous approval of the President" shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely:—

"(d) the procedure of election of members by State Branch Committees;"

(iii) for clauses (ee) and (f), the following clauses shall be substituted, namely:—

"(f) the powers exercisable by the Managing Body in supervising the activities of State Branch Committees;

(g) delegation of financial and administrative powers to the Chairman and the Vice-Chairman;

(h) disqualifications for membership of the Managing Body;

(i) the term of office and conditions of service of the Secretary-General and the Treasurer and other officers of the Society;

(j) the regulation of the procedure generally of the Society and Managing Body."

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The Central Government shall cause every rule made under this section to be laid as soon as may be after the rule is made before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

4. Amendment of section 12. — In section 12 of the principal Act, the words "to regulate its own procedure and constitution, shall be omitted.

5. Repeal and savings. — (1) The Indian Red Cross Society (Amendment) Ordinance, 1992 is hereby repealed. Ord. 3 of 1992.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

10-2-92/LA

The Public Liability Insurance (Amendment) Act, 1992 (Central Act 11 of 1992) which has been passed by Parliament and assented to by the President of India on 31-3-1992 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 31-3-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 10th August, 1992.

The Public Liability Insurance (Amendment) Act, 1992

AN

ACT

to amend the Public Liability Insurance Act, 1991.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Public Liability Insurance (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 31st day of January, 1992.

2. *Amendment of section 2.*— In section 2 of the Public Liability Insurance Act, 1991 (hereinafter referred to as the principal Act),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) “accident” means an accident involving a fortuitous or sudden or unintended occurrence while handling any hazardous substance resulting in continuous or intermittent or repeated exposure to death of, or injury to, any person or damage to any property but does not include an accident by reason only of war or radio-activity;”;

(ii) for clause (g), the following clause shall be substituted, namely:—

“(g) “owner” means a person who owns, or has control over handling; any hazardous substance at the time of accident and includes,—

(i) in the case of a firm, any of its partners;

(ii) in the case of an association, any of its members; and

(iii) in the case of a company, any of its directors, managers, secretaries or other officers who is directly in charge of, and is responsible to, the company for the conduct of the business of the company;”;

(iii) after clause (h), the following clause shall be inserted, namely:—

“(ha) “Relief Fund” means the Environmental Relief Fund established under section 7A;”.

3. *Amendment of section 4.*— In section 4 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) No insurance policy taken out or renewed by an owner shall be for an amount less than the amount of the paid-up capital of the undertaking handling any hazardous substance and owned or controlled by that owner, and more than the amount, not exceeding fifty crore rupees, as may be prescribed.

Explanation.— For the purposes of this sub-section, “paid-up capital” means, in the case of an owner not being a company, the market value of all assets and stocks of the undertaking on the date of contract of insurance.

(2B) The liability of the insurer under insurance policy shall not exceed the specified in the terms of the contract of insurance in that insurance policy.

(2C) Every owner shall also, together with the amount of premium, pay to the insurer the amount of premium, pay to the insurer being credited to the Relief Fund established under section 7A, such further amount exceeding the sum equivalent to the amount of premium, as may be prescribed.

(2D) The insurer shall remit to the authority specified in sub-section (3) of section 7 the amount received from the owner under sub-section (2C) for being credited to the Relief Fund in such manner and within such period as may be prescribed and where the insurer fails to do so that amount, it shall be recoverable from the insurer as arrears of land revenue or of demand.”.

4. *Amendment of section 7.*— In section 7 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) When an award is made under section,—

(a) the insurer, who is required to pay the amount in terms of such award and to the extent specified in sub-section (2B) of section 4, shall, within a period of thirty days from the date of announcement of the award, deposit that amount in such manner as the Collector may direct;

(b) the Collector shall arrange to pay the amount of the award to the Relief Fund, in terms of such award, in accordance with the scheme made under section 7A; to the person or persons referred to in sub-section (1) such amount shall be specified in that scheme;

(c) the owner shall, within such period as may be specified in such manner as the Collector may direct.”;

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) Where an owner is likely to remove or dispose of his property with the object of evading payment of the award, the Collector may, in accordance with the provisions of rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908, grant a temporary injunction to restrain such act.”.

5. *Insertion of new section 7A.*— After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. *Establishment of Environmental Relief Fund.*— (1) The Central Government may, by notification, establish a fund to be known as the Environmental Relief Fund.

(2) The Relief Fund shall be utilised for paying, in accordance with the provisions

Act and the scheme made under sub-section (3), relief under the award made by the Collector under section 7.

(3) The Central Government may, by notification, make a scheme specifying the authority in which the Relief Fund shall vest, the manner in which the Relief Fund shall be administered, the form and the manner in which money shall be drawn from the Relief Fund and for all other matters connected with or incidental to the administration of the Relief Fund and the payment of relief therefrom."

6. *Amendment of section 14.*—In section 14 of the principal Act, in sub-section (1), for the words, brackets and figures "sub-section (1) or sub-section (2)", the words, brackets, figures and letters "sub-section (1) or sub-section (2) or sub-section (2A) or sub-section (2C)" shall be substituted.

7. *Amendment of section 23.*—In section 23 of the principal Act,—

(a) in sub-section (2),—

(i) clause (a) shall be re-lettered as clause (ac);

(ii) before clause (ac), as so re-lettered, the following clauses shall be inserted, namely:—

"(a) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;

(aa) the amount required to be paid by every owner for being credited to the Relief Fund under sub-section (2C) of section 4;

(ab) the manner in which and the period within which the amount received from the owner is required to be remitted by the insurer under sub-section (2D) of section 4;"

(b) in sub-section (3), for the word "rule", wherever it occurs, the words "rule or scheme" shall be substituted.

8. *Repeal and saving.*—(1) The Public Liability Insurance (Amendment) Ordinance, 1992 is hereby repealed.

Ord.
6 of 1992.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

10-2-92/LA

The Himachal Pradesh Tax on Luxuries (In Hotels and Lodging Houses) Amendment Ordinance, 1993 (No. 16 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-1-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 25th February, 1993.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 25th January, 1993/
Magha 5, 1914 (Saka)

THE HIMACHAL PRADESH TAX ON LUXURIES (IN HOTELS AND LODGING HOUSES) AMENDMENT ORDINANCE, 1993

No. 16 of 1993

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance further to amend the Himachal Pradesh Tax on Luxuries (in Hotels and Lodging Houses) Act, 1979.

Whereas by a Proclamation issued on the 15th day of December, 1992 by the President under article 356 of the Constitution, the powers of the Legislature of the State of Himachal Pradesh have been declared to be exercisable by or under the authority of Parliament;

And whereas the Himachal Pradesh Tax on Luxuries (In Hotels and Lodging Houses) Amendment Ordinance, 1992 further to amend the Himachal Pradesh Tax on Luxuries (in Hotels and Lodging Houses) Act, 1979 was promulgated on 21st October, 1992;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Himachal Pradesh Tax on Luxuries (in Hotels and Lodging Houses) Amendment Ordinance, 1993.

(2) It shall be deemed to have come into force on the 1st day of July 1992.

2. *Amendment of section 2.*—In section 2 of the Himachal Pradesh Tax on Luxuries (in Hotels and Lodging Houses) Act, 1979 (hereinafter referred to as the principal Act), for clauses (d) and (e), the following clauses shall be substituted, namely:—

H. P. Act,
15 of 1979

"(d) "hotel" means any premises or part of premises including a house-boat, restaurant, bar of a tent where lodging with or without board or any kind of eatables or beverages or other services are by way of business provided for a monetary consideration, and includes such premises as are given on rent during any period of a financial year;

(e) "luxury provided in a hotel" means accommodation for residence provided in a hotel, rate of charges for which (including charges for air-conditioning, telephone, television, radio, music,

sports, extra beds and other amenities provided in a hotel) is twenty-five rupees per person per day or more;”.

3. *Amendment of section 4.*—In section 4 of the principal Act,—

(i) in sub-section (4),—

(a) for the words “the entire period of a financial year”, the words “such period of financial year as may be specified by notification issued under this sub-section” shall be substituted;

(b) the following proviso shall be inserted at the end namely:—

“Provided that the period of a financial year to be notified under this sub-section shall not be less than fifty per cent of the number of days in that financial year.”;

(ii) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) During the period commencing from the 1st day of July, 1992 and ending on the day the notification revising the date of luxury tax under sub-section (5) is published in the Official Gazette issued after the promulgation of the Himachal Pradesh Tax on Luxuries (in Hotels and Lodging Houses) Amendment Ordinance, 1992 the luxury tax for the purposes of sub-section (4) shall be and shall always be deemed to have been levied at the rate of ten paise in a rupee.”; and

(iii) in sub-section (6), for the words “the foregoing sub-sections”, the words, brackets and figure “sub-section (2)” shall be substituted.

4. *Amendment of section 17.*—In section 17 of the principal Act, in sub-section (3) after the proviso the following proviso shall be inserted, namely:—

“Provided further that the State Government may, for the purposes of sub-section (4) of section 4 make rules with retrospective effect, but not earlier than the 1st day of July, 1992.”.

5. *Repeal and saving.*—(1) The Himachal Pradesh Tax on Luxuries (in Hotels and Lodging Houses) Amendment Ordinance, 1992 is hereby repealed.

H. P.
Ordinance
7 of 1992.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken, under the corresponding provisions of the principal Act, as amended by this Ordinance, as if the provisions of this Ordinance were in force at all material times.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India

Notification

10-2-92/LA

The Madhya Pradesh Motoryan Karadhan (Amendment) Ordinance, 1993 (No. 20 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 30-1-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary, (Drafting).

Panaji, 9th March, 1993.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 30th January, 1993/
Magha 10, 1914 (Saka)

THE MADHYA PRADESH MOTORYAN KARADHAN (AMENDMENT) ORDINANCE, 1993

No. 20 of 1993

Promulgated by the President in the Forty-fourth
Year of the Republic of India

*An Ordinance further to amend the Madhya Pradesh
Motoryan Karadhan Adhiniyam, 1991.*

Whereas by a proclamation issued on the 15th day of December, 1992 by the President under article 356 of the Constitution, the powers of the Legislature of the State of Madhya Pradesh have been declared to be exercisable by or under the authority of Parliament;

And whereas the Madhya Pradesh Motoryan Karadhan (Sanshodhan) Adhyadesh, 1992 to provide for the aforesaid matters was promulgated by the Governor on the 10th October, 1992;

And whereas the Madhya Pradesh Motoryan Karadhan (Sanshodhan) Adhyadesh, 1992 has ceased to operate;

And whereas it is necessary to provide for continuity of the provisions made under the aforesaid Adhyadesh;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Madhya Pradesh Motoryan Karadhan (Amendment) Ordinance, 1993.

(2) It shall be deemed to have come into force on the 10th day of October, 1992.

2. *Madhya Pradesh Act No. 25 of 1991 to be temporarily amended.*—During the period of ope-

ration of this Ordinance, the Madhya Pradesh Motoryan Karadhan Adhiniyam, 1991 (No. 25 of 1991) (hereinafter referred to as the Principal Act), shall have effect subject to the amendments specified in sections 3 to 8.

3. *Substitution of new section for section 8.* — For section 8 of the Principal Act, the following Section shall be substituted, namely: —

'8. *Filing of declaration and determination of tax payable.* — (1) Every owner, who is liable to pay the tax under this Act, shall file a declaration with the Taxation Authority together with the proof of the payment of the tax which he appears to be liable to pay in respect of such vehicle in such form and within such time as may be prescribed.

(2) When any motor vehicle in respect of which tax has been paid is altered in such a manner as to cause the vehicle to become a motor vehicle in respect of which a higher rate of tax is payable, the owner of such vehicle shall file an additional declaration with the Taxation Authority together with the certificate of registration and the proof of the payment of difference of tax which he appears to be liable to pay in respect of such vehicle, in such form and within such time as may be prescribed.

(3) On receipt of the declaration under sub-section (1) or the additional declaration under sub-section (2) as the case may be, the Taxation Authority shall, after making such enquiry as it deems fit and after giving to the owner an opportunity of being heard, determine, by an order in writing, the tax payable by the owner and intimate the same to him in such form and within such time as may be prescribed.

(4) Where the owner fails to file a declaration required under sub-section (1) or (2), the Taxation Authority may, on the basis of information available with it and after giving to the owner an opportunity of being heard, by an order in writing, determine the amount of tax payable by such owner *suo motu* and intimate the same to him in such form and within such time as may be prescribed.

(5) On determination of the tax payable under sub-section (3) or (4), as the case may be, by the Taxation Authority, the difference of the amount of tax payable and the amount of tax paid shall, as the case may be, be paid by or refunded to the owner in a manner applicable to the payment or refund of tax under this Act and rules.

(6) Where the owner files a false declaration, the Taxation Authority shall, after giving the owner an opportunity of being heard, by an order in writing, impose a penalty not exceeding twice the amount of tax determined under sub-section (3).

Explanation. — "Alteration in a motor vehicle" includes an acquisition, surrender or non-use of or any change in a permit by which the vehicle is covered.

4. *Amendment of section 13.* — In sub-section (1) of section 13 of the Principal Act, for the words

"quarterly tax" occurring twice, the words "the unpaid amount of tax" shall respectively be substituted.

5. *Amendment of section 14.* — In clause (i) of sub-section (1) of section 14 of the Principal Act, for the words "quarter, half year or year" occurring twice, the words "month, quarter, half year or year" shall respectively be substituted.

6. *Amendment of section 16.* — After sub-section (3) of section 16 of the Principal Act, the following sub-section shall be inserted, namely: —

"(4) Where a motor vehicle has been seized and detained under sub-section (3), the owner or the person in charge of such vehicle may apply to the Taxation Authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and if such authority or officer, after verification of such documents, is satisfied that no amount of tax is due in respect of that vehicle, may by an order in writing release such vehicle."

7. *Amendment of section 24.* — For clause (a) of sub-section (2) of section 24 of the Principal Act, the following clause shall be substituted, namely: —

"(a) the form of declaration and the time within which declaration shall be filed under sub-section (1) or (2) of section 8 and the form in which and the time within which the intimation of determination of tax shall be given under sub-section (3) or (4), of section 8;"

8. *Amendment of First Schedule.* — In item IV of the First Schedule to the Principal Act, —

(i) in *Explanation* (7), the words brackets and letter "clause (m) of" shall be omitted;

(ii) after *Explanation* (8), the following *Explanation* shall be added, namely: —

"*Explanation* (9). — The tax payable by the holder of service of stage carriages permit in respect of buses authorised to ply on such permit shall be calculated on the basis of average seating capacity of such buses. —

(i) under sub-item (d) of such number of buses as is required for plying on any day to maintain service on all the routes covered by the permits held, and

(ii) after *Explanation* (8), the following *Explanation* shall be added, buses."

9. *Validation.* — Any action taken or thing done (including any rule made, declaration filed, tax determined or collected or, order passed or proceedings initiated by the Taxation Authority) or purported to have been taken or done under sections 8, 13, 14, 16 and 24 of, and the First Schedule to, the Principal Act as amended by this Ordinance shall be deemed to be, and to have always been, as valid and effective as if the said sections and Schedule as so amended had been in force when such thing was done or such action was taken.

SHANKER DAYAL SHARMA,
President,

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Notification

10-2-92/LA

The Oilfields (Regulation and Development) Amendment Ordinance, 1993 (No. 19 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 30-1-1993 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 9th March, 1993.

MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 30th January, 1993/
Magha 10, 1914 (Saka)

The Oilfields (Regulation and Development) Amendment
Ordinance, 1993

No. 19 of 1993

Promulgated by the President in the Forty-fourth
Year of the Republic of India

An Ordinance further to amend the Oilfields (Regulation and Development) Act, 1948.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Oilfields (Regulation and Development) Amendment Ordinance, 1993.

(2) It shall come into force at once.

2. *Amendment of section 6A of Act 53 of 1948.*—In section 6A of the Oilfields (Regulation and Development) Act, 1948, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-section (4), the Central Government may, by notification in the Official Gazette, amend the Schedule so as to enhance the rate of royalty payable in respect of crude oil, produced during the period beginning on the 1st day of April, 1990 and ending on the 31st day of March, 1993, to 24.52 per cent of the sale price of crude oil at the oilfields or the oil well-head, as the case may be.”.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Legislature Department

Notification

LA/A/835/93

In pursuance of Rule 269 of the Rules of Procedure and Conduct of Business of Goa Legislative Assembly the following documents which were laid on the Table of the House of Goa Legislative Assembly on 23rd March, 1993 are declared to be published for general information.

1. Finance Accounts 1990-91;
2. Appropriation Accounts 1990-91; and
3. Report of the Comptroller and Auditor General of India for the year ended 31st March, 1991—Government of Goa.

Secretariat,
Panaji, 23rd March, 1993.

ASHOK B. ULMAN
Secretary, Legislature.